

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--------------------------------|---|--------------------|
| THE ADAM GROUP, INC. OF MIDDLE |) | |
| TENNESSEE d/b/a PLAYMAKER CRM, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | No. 3:13-0258 |
| |) | Judge Sharp/Bryant |
| |) | Jury Demand |
| DANIEL CHRISTOPHER TUNNELL, |) | |
| KEAGAN BROWN, ANNIE TUNNELL |) | |
| McDANIEL, and KARL DUMAS, |) | |
| |) | |
| Defendants |) | |

MEMORANDUM AND ORDER

The Court has recently denied Defendants' Motion to Dismiss and has returned the case to the undersigned Magistrate Judge for further pretrial management and consideration of outstanding discovery motions (Docket Entry No. 62).

Pending in this case are five motions filed by Defendants and nonparty deponents seeking to quash deposition subpoenas served by Plaintiff requiring depositions and document production in February and March 2014 (Docket Entry Nos. 33, 34, 35, 40, and 48). These motions seek to quash subpoenas for depositions of Michael G. Bailey, Derrick Barker and HomeCare CRM, LLC, respectively. Multiple grounds are asserted for quashing these deposition notices including, but not limited to, timeliness and lack of sufficient notice, overbreadth of the document production requests, duplication of discovery sought and previously produced in a related action among many of these same parties presently pending in the United States District Court for the Northern District of Georgia ("the Atlanta action"), and the pendency of Defendants' motion to dismiss. Plaintiff has responded in opposition to these

motions (Docket Entry Nos. 36 and 54), and have stated their willingness to reschedule depositions for more convenient times and to narrow the scope of their requests for production of documents.

Because the time for responding to these subpoenas has now passed and because Plaintiff has indicated a willingness to reschedule depositions and to narrow document requests, the undersigned Magistrate Judge **GRANTS** Defendants' motions to quash subpoenas for Michael G. Bailey, Derrick Barker and HomeCare CRM, LLC as previously served (Docket Entry Nos. 33, 34, 35, 40 and 48). This ruling is without prejudice both to Plaintiff's right to serve new subpoenas upon these three deponents and to Defendants' and the deponents' rights to raise objections to such new subpoenas. The parties are encouraged to work together to schedule all their discovery in a matter calculated to minimize scheduling difficulties and unnecessary expense.

Defendants have also filed their motion to stay discovery (Docket Entry No. 39), and a later motion for protective order (Docket Entry No. 55). Both of these motions are premised, at least in part, upon the pendency of their motion to dismiss this action. Since the Court has since denied Defendants' motion to dismiss, these two motions are **DENIED** as moot. Defendants shall serve responses to the written discovery served in February 2014 and referenced in their motion for protective order by **October 22, 2014**.

Finally, Plaintiff has filed its motion to extend the deadline for discovery (Docket Entry No. 42) and motion for status conference and to extend all deadlines pending decision on

application for entry of default and all outstanding discovery motions (Docket Entry No. 65). These two motions are **GRANTED**. Counsel are hereby directed to confer and to file by **October 3, 2014**, a proposed revised case management order containing pretrial deadlines to govern the progress of this case toward trial.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge